

January 10, 1994
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

ENFORCEMENT ISSUES UNDER CURRENT
CITY CAMPAIGN FINANCE CONTROL LAW

At its meeting on November 8, 1993, the City Council heard the Final Report of the City of San Diego's Election, Campaign and Governmental Ethics Advisory Board. As a result of hearing that report, the City Council asked the City Attorney to identify enforcement issues under the City's current campaign finance laws (San Diego Municipal Code ("SDMC") sections 27.2901-27.2975). This report is in response to that request.

The major enforcement issues may be organized into the following categories:

1. Need for further clarification of "no extensions of credit past thirty (30) days" provision (SDMC section 27.2941(b)).
2. Need for further clarification of provisions governing contributions to and from organizations (SDMC section 27.2942). In particular, it should be further clarified that organizations may not contribute to other organizations that make independent expenditures.
3. Need for further clarification that recall elections are a form of candidate's election.
4. Need for reexamination of the severity of the penalties in light of the level of various campaign finance violations.
5. Need for sufficient staff to enforce existing laws. Currently one (1) part-time attorney, one (1) part-time investigator, and one (1) part-time secretary/clerk are devoted to campaign finance law enforcement. With this level of staffing, cases can be taken only on a complaint basis.

The City Attorney raised most of the above-identified enforcement issues and brought forth solutions in the form of proposed ordinance amendments to the City Council in January and February 1992. Copies of these reports are attached for your

reference (including attached ordinance). I am available to answer any questions on this matter.

Respectfully submitted,
JOHN W. WITT
City Attorney

CCM:jrl:011(043.1)

Attachments

cc Jack McGrory, City Manager

Charles G. Abdelnour, City Clerk

RC-94-1

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